

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

MAXINE R. ROSE,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-05-308-F
	)	
MILLICENT NEWTON-EMBRY,	)	
Warden,	)	
	)	
Respondent.	)	

**ORDER**

On June 6, 2005, United States Magistrate Judge Gary M. Purcell entered a Report and Recommendation, wherein he recommended that respondent's motion to dismiss petition for habeas corpus as time-barred be granted and petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed as untimely.

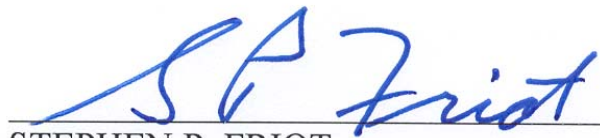
Presently before the court is petitioner's timely objection to the Report and Recommendation. The court has conducted a *de novo* review of the matter in accordance with 28 U.S.C. § 636(b)(1). Having done so, the court concurs with Magistrate Judge Purcell's analysis and recommendation in regard to respondent's motion. The court agrees that petitioner's habeas corpus petition is time-barred. The court finds that petitioner has not shown a sufficient basis for equitable tolling. The court concludes that petitioner's arguments to the contrary are without merit. The court accepts, adopts and affirms the Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on June 6, 2005 (docket entry no. 14), is **ACCEPTED, ADOPTED** and **AFFIRMED**.

IT IS ALSO ORDERED that respondent's Motion to Dismiss Petition for Habeas Corpus as Time-Barred, filed May 2, 2005 (docket entry no. 10), is **GRANTED**.

IT IS FURTHER ORDERED that Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, filed March 18, 2005 (docket entry no. 1), is **DISMISSED** as untimely. Judgment shall issued forthwith.

ENTERED this 30<sup>th</sup> day of June, 2005.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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